

Rec'd PCT/PTO 28 DEC 2005

#74

DOCKET NO.: P0777.70003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Feiner et al.
Serial No.: 10/533,430
Confirmation No.: 9003
Intern. Appln. No.: PCT/EP03/12076
Intern. Filing Date: 10/30/03
For: INHALATION THERAPY DEVICE

Examiner: Not yet assigned
Art Unit: 3743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21st day of December, 2005.

Doris A. Champagne
Doris A. Champagne

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the enclosed search report from corresponding International Application No. PCT/EP03/12076.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

US 4,868,521 is an English language equivalent of EP 0 303 944. US 2005/0034719 is an English language equivalent of EP 1304131. US 2005/0056274 is an English language equivalent of EP 1304130.

The following is a concise summary of DE 29501569.1, for which no English language equivalent or abstract is available.

DE 29501569.1 relates to an ultrasonic liquid nebulizer having a piezo crystal P, which is actuated by means of electric oscillations of an oscillator circuit, wherein the oscillator circuit is provided with power from a power supply SV. The oscillator circuit comprises a current limiting circuit and an electronic temperature limiting circuit comparing the temperature depending electrical signal of the piezo crystal by means of a threshold circuit, the comparator signal thereof controls a bistable circuit stopping the oscillator.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

Serial No.: 10/533,430
Conf. No.: 9003

- 3 -

Art Unit: 3743

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: William R. McClellan
William R. McClellan, Reg. No. 29,409
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: P0777.70003US00
Date: December 21, 2005
x12/26/05x

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/533,430	ATTY. DOCKET NO.: P0777.70003US00
				FILING DATE: April 29, 2005	CONFIRMATION NO.: 9003
				APPLICANT: Feiner et al.	
				GROUP ART UNIT: 3743	EXAMINER: Not yet assigned
Sheet	1	of	1		

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1	3,812,854		Michaels et al.	05-28-1974
	2	3,948,264		Wilke et al.	04-06-1976
	3	4,868,521		Konrad	09-19-1989
	4	6,540,154	B1	Ivri et al.	04-01-2003
	5	US 2005/0034719	A1	Feiner et al.	02-17-2005
	6	US 2005/0056274	A1	Kunschir	03-17-2005

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	7	DE	3013964	C2	Strutz, Jürgen F.	10-22-1981	Abstr.
	8	DE	3118502	A1	KWS-Electronic GmbH	11-25-1982	Abstr.
	9	DE	19953317	C1	Pari GmbH Spezialisten für effektive Inhalation	--	Abstr.
	10	DE	29501569.1	U1	Klarhorst, Günter	--	Summary
	11	EP	0303944	A1	Satronc AG	02-22-1989	Equiv.
	12	EP	1005917	A1	Microflow Engineering SA	06-07-2000	N/A
	13	EP	1219314	A1	Instrumentarium Corporation	07-03-2002	N/A
	14	EP	1304130	A1	Pari GmbH Spezialisten für effektive Inhalation	04-23-2003	Equiv.
	15	EP	1304131	A1	Pari GmbH Spezialisten für effektive Inhalation	04-23-2003	Equiv.
	16	WO	93/09881	A2	Medix Electronics Ltd.	05-27-1993	N/A
	17	WO	02/28539	A1	Aerogen, Inc.	04-11-2002	N/A
	18	WO	03/057292	A1	Aerogen, Inc.	07-17-2003	N/A

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	19	International Search Report for Application No. PCT/EP03/12076 dated January 22, 2004	
EXAMINER:		DATE CONSIDERED:	

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]